

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

JAMES CRAVENS,)	
)	
Plaintiff,)	
)	No. 2:12-cv-0119
v.)	
)	Judge Sharp
TONY CHOATE, et al.,)	Magistrate Judge Knowles
)	
Defendants.)	

ORDER

In this case brought by a former inmate of the Fentress County Jail, Magistrate Judge Knowles has entered a Report and Recommendation (“R & R”) (Docket Entry No. 76), recommending that the *Motion for Summary Judgment filed on Behalf of Defendants Tony Choate, Dan Harding, Mark Parsons, and Greg Hicks, in their Individual Capacities* and *Defendant Faye Smith’s Motion for Summary Judgment* (Docket Entry Nos. 66 and 72) be granted and the case be dismissed with prejudice.¹

The R & R provides, in part,

As an initial matter, the statute of limitations for a §1983 action is the same as that for personal injuries, which, in Tennessee, is one year. *See Wilson v. Garcia*, 471 U.S. 261 (1985); Tenn. Code Ann. §28-3-104(a)(3). The statute of limitations begins to run when Plaintiff “knows or has reason to know of the injury which is the basis of his action.” *Trzebuckowski v. City of Cleveland*, 319 F.3d 853, 857 (6th Cir. 2003).

Given these facts, it is undisputed that Plaintiff knew of the injury forming the basis of this action on September 28, 2011. As mentioned, Plaintiff did not file this case until December 26, 2012, well outside the one-year statute of limitations. Accordingly, Plaintiff’s claims are barred by the statute of limitations.

¹ The defendants in these two motions are the only remaining defendants in this action. *See* (Docket Entry No. 3).

For the foregoing reasons, the undersigned concludes that, viewing all the facts and inferences in favor of the nonmoving party, there is no genuine issue as to any material fact and Defendants are entitled to a judgment as a matter of law. The undersigned therefore recommends that Defendants' Motions for Summary Judgment (Docket Nos. 66, 72) be GRANTED.

(Docket Entry No. 76 at 14-15). No response in opposition was filed to the R & R.

Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R for the above-mentioned reasons of the Magistrate Judge.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 76) is hereby ACCEPTED and APPROVED;

(2) The *Motion for Summary Judgment filed on Behalf of Defendants Tony Choate, Dan Harding, Mark Parsons, and Greg Hicks, in their Individual Capacities* (Docket Entry No. 66) is hereby GRANTED;

(3) *Defendant Faye Smith's Motion for Summary Judgment* (Docket Entry No. 72) is hereby GRANTED;

(4) All other pending motions (Docket Entry Nos. 62 and 65) are hereby TERMINATED as moot; and

(5) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.

Kevin H. Sharp

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE